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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,671	03/30/2004	Mark A. Wildman	D5532	3563

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EXAMINER
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MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/812,671

Applicant(s)

WILDMAN, MARK A.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **INJECTION PRESSURE REGULATOR TEST SYSTEM**

### **FINAL OFFICE ACTION**

In response to the Applicant's amendment dated Feb. 02, 2006.

### **CLAIMS**

#### **35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (6,532,809).

With respect to claims 8 and 11, Robinson teaches a method for testing an injection pressure regulator, comprising:

sealably engaging an injection pressure regulator in a test chamber (20) formed by a rigid sleeve (the outer housing of 20 in Fig. 2);

activating the injection pressure regulator for operation at a selected pressure level (col. 2, lines 30-33); and

determining whether the injection pressure regulator can achieve the selected pressure level (the pressure of the system is monitored via pressure sensor 49 and thus the pressure of the injection pressure regulator is determined).

However, Robinson fails to explicitly teach pumping hydraulic fluid into the test chamber as claimed.

Nonetheless, it would have been obvious to one having ordinary skill in the art armed with said teaching to pump hydraulic fluid into the test chamber.

The motivation being that the use of hydraulic fluid in connection with a fluid injector is very well known in the art as is seen in the operation of diesel engines wherein the use of a hydraulic pressure control valve (col. 2, line 32) in Robinson suggests that hydraulic fluid is being pumped into the test chamber as claimed.

With respect to claim 10, the continued use of the pressure sensor (49) in Robinson suggests verifying whether the injection pressure regulator can hold the pressure within a selected tolerance of the selected pressure level for a selected time period as claimed.

*Allowable Subject Matter*

Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the prior art fails to teach or suggest the respective claimed subject matter thereof.

Newly added claims 13-15 have been found to be allowable over the prior art for at least the reasoning as presented by the Applicant's arguments.

***RESPONSE TO ARGUMENTS***

The Applicant has amended claim 8 and provided arguments centering around the amendment that claim 8 distinguishes over the applied prior art. The Examiner disagrees. The Applicant has argued that the applied prior art of Robinson fails to teach an injection pressure regulator in a test chamber formed by a rigid sleeve, pointing to the flexible walled housing 68 thereof. However, the Examiner has relied upon the fact that the "outer" housing of the regulator

(20), which contains therein the cavities 72 and 74, is that which is deemed as suggesting the rigid sleeve as now claimed (see Fig. 2).

Thus, the Examiner has deemed that the Applicant's claimed subject matter of claim 8 does not patentably distinguish over the prior art of Robinson.

The Applicant's arguments pertaining to newly added claims 13 and 15 have been considered and have been found to be persuasive in that claims 13 and 15 have been found to be allowable over the prior art.

### **CONCLUSION**

**THIS ACTION IS MADE FINAL.** The Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

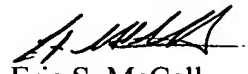
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric S. McCall  
Primary Examiner  
Art Unit 2855  
April 07, 2006